



# **Ninth Annual Statistical Report on DWI Court Dispositions in New Mexico**

**Supreme Court of New Mexico  
Administrative Office of the Courts**

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# **A Statistical Report on DWI in New Mexico, 1997 - 2013**

Prepared by the New Mexico Administrative Office of the Courts

## **Introduction**

The Administrative Office of the Courts (AOC) is pleased to present the Ninth Annual Statistical Report on DWI Court Dispositions in New Mexico. This report contains statistical information on DWI cases adjudicated in New Mexico magistrate courts, district courts, and the Bernalillo County Metropolitan Court (BCMC) from 1997 through 2013.

## **Calendar Year 2013 Statistical Summary**

For calendar year 2013, 13,071 DWI cases were adjudicated by state courts in New Mexico. District courts disposed of 1,939 felony DWI cases, magistrate courts disposed of 6,598 misdemeanor DWI cases, and the BCMC disposed of 4,534 misdemeanor DWI cases.

## **Misdemeanor Dismissals and Felony Re-filings**

Every year, approximately eight percent of misdemeanor court dismissals are later re-filed by prosecutors as felonies in district courts. While these cases were technically "dismissed," the defendants associated with these dismissed cases were re-charged by prosecutors as felons rather than misdemeanants. As such, magistrate and BCMC court disposition tables on pages 3 and 4, only reflect pre-indictment dismissals; however, when prosecutors dismiss a case in anticipation of re-filing the case as a felony, the dismissal is simply a necessary step in charging the defendant with a felony DWI. This should be taken into consideration when considering overall dismissal rates for the Metropolitan Court and magistrate courts.

## **How DWI Bind-Overs are Counted**

Preliminary hearings for felony DWI cases are first heard in magistrate courts in all counties except for Bernalillo County. When a magistrate judge rules that probable cause exists for a particular DWI case, the case will be transferred to a district court for a felony trial. These case transfers, called "bind-overs," are not dismissals, but are simply a method for transferring felony DWI cases from a limited jurisdiction court to a general jurisdiction court. Since 1997, the bind-over rate of all magistrate court DWI cases has fluctuated between 7.5 to 14 percent. All DWI cases bound over to district courts are counted as district court DWI adjudications in this report.

## **Underlying Traffic Convictions are Not Counted as DWI Convictions**

Even when all DWI charges against a defendant are dismissed, field research has shown that many dismissed DWI cases contain convictions on underlying non-DWI traffic charges. These traffic charges typically occur when a driver is stopped for a traffic infraction and the arresting officer subsequently charges the driver with DWI. Even if the DWI charge is dismissed, the defendant may be convicted for underlying traffic offenses. For this report, convictions for underlying traffic offenses that are associated with DWI charges *are not* counted as DWI convictions.

## DWI Cases Disposed For Calendar Year 2013

### District Courts By Location

County	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
BERNALILLO	496	87.5%	0.2%	0.6%	0.0%	12.3%	9.1%	2.4%	0.2%	0.0%
CATRON	2	50.0%	0.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
CHAVES	72	75.0%	1.4%	0.0%	0.0%	23.6%	20.8%	1.4%	1.4%	0.0%
CIBOLA	29	79.3%	6.9%	0.0%	0.0%	13.8%	10.3%	0.0%	3.5%	0.0%
COLFAX	22	77.3%	0.0%	0.0%	0.0%	22.7%	22.7%	0.0%	0.0%	0.0%
CURRY	86	73.3%	0.0%	0.0%	0.0%	26.7%	12.8%	10.5%	3.5%	0.0%
DE BACA	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	280	75.7%	0.4%	0.0%	0.0%	23.9%	22.1%	1.4%	0.4%	0.0%
EDDY	32	84.4%	6.3%	3.1%	0.0%	9.4%	6.3%	0.0%	0.0%	0.0%
GRANT	19	57.9%	0.0%	5.3%	0.0%	42.1%	26.3%	10.5%	0.0%	0.0%
GUADALUPE	5	20.0%	0.0%	40.0%	0.0%	80.0%	40.0%	0.0%	0.0%	0.0%
HIDALGO	8	75.0%	12.5%	12.5%	0.0%	12.5%	0.0%	0.0%	0.0%	0.0%
HARDING	0									
LEA	59	78.0%	0.0%	0.0%	0.0%	22.0%	13.6%	0.0%	8.5%	0.0%
LINCOLN	14	85.7%	0.0%	0.0%	0.0%	14.3%	7.1%	0.0%	7.1%	0.0%
LOS ALAMOS	6	66.7%	0.0%	0.0%	0.0%	33.3%	16.7%	16.7%	0.0%	0.0%
LUNA	22	86.4%	0.0%	0.0%	0.0%	13.6%	9.1%	4.6%	0.0%	0.0%
MCKINLEY	70	75.7%	0.0%	0.0%	0.0%	24.3%	17.1%	5.7%	1.4%	0.0%
MORA	3	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OTERO	56	87.5%	1.8%	0.0%	0.0%	10.7%	8.9%	0.0%	1.8%	0.0%
QUAY	8	62.5%	0.0%	0.0%	0.0%	37.5%	37.5%	0.0%	0.0%	0.0%
RIO ARRIBA	64	76.6%	1.6%	0.0%	0.0%	21.9%	18.8%	3.1%	0.0%	0.0%
ROOSEVELT	27	81.5%	0.0%	0.0%	0.0%	18.5%	14.8%	3.7%	0.0%	0.0%
SAN JUAN	233	89.7%	2.2%	0.0%	0.0%	8.2%	6.0%	2.2%	0.0%	0.0%
SAN MIGUEL	32	87.5%	0.0%	3.1%	0.0%	12.5%	9.4%	0.0%	0.0%	0.0%
SANDOVAL	92	75.0%	0.0%	1.1%	0.0%	25.0%	7.6%	15.2%	1.1%	0.0%
SANTA FE	74	82.4%	0.0%	0.0%	0.0%	17.6%	16.2%	1.4%	0.0%	0.0%
SIERRA	5	60.0%	0.0%	0.0%	20.0%	20.0%	20.0%	0.0%	0.0%	0.0%
SOCORRO	17	76.5%	0.0%	0.0%	0.0%	23.5%	17.7%	0.0%	5.9%	0.0%
TAOS	31	87.1%	0.0%	0.0%	0.0%	12.9%	9.7%	0.0%	3.2%	0.0%
TORRANCE	11	72.7%	0.0%	0.0%	0.0%	27.3%	27.3%	0.0%	0.0%	0.0%
UNION	6	66.7%	0.0%	0.0%	0.0%	33.3%	16.7%	16.7%	0.0%	0.0%
VALENCIA	56	71.4%	0.0%	1.8%	0.0%	28.6%	14.3%	12.5%	0.0%	0.0%
Statewide	1939	81.2%	0.8%	0.6%	0.1%	18.0%	13.1%	3.4%	0.9%	0.0%

Total Cases

Total Convictions

Total Acquittals

Conditionally Discharged

Other Dispositions

Total Dismissed

Dismissed by Prosecutor

Dismissed By Court

Dismissed 6 Month Rule

Cases disposed in a year

Conviction rate for cases disposed

Acquittal rate for cases disposed

Conditional discharge rate for cases disposed

Cases not dismissed but which do not fit into column heading categories

Dismissal rate for all cases disposed

Cases dismissed by a court subsequent to motion for dismissal by a prosecutor

Cases dismissed by a judge

Cases dismissed under the six month rule

## DWI Cases Disposed For Calendar Year 2013

### Magistrate Courts By Location

County	Total Cases	Total Convictions	Total Acquittals	Conditional Discharge	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissal
CATRON	11	36.4%	0.0%	0.0%	0.0%	63.6%	45.5%	18.2%	0.0%	0.0%
CHAVES	218	68.4%	3.7%	0.0%	0.0%	28.0%	26.2%	0.5%	0.5%	0.9%
CIBOLA	121	57.9%	5.8%	0.0%	0.0%	36.4%	23.1%	5.8%	2.5%	5.0%
COLFAX	43	69.8%	2.3%	0.0%	0.0%	27.9%	16.3%	7.0%	0.0%	4.7%
CURRY	166	77.7%	0.6%	0.0%	0.0%	21.7%	15.1%	6.6%	0.0%	0.0%
DE BACA	11	63.6%	0.0%	0.0%	0.0%	36.4%	9.1%	27.3%	0.0%	0.0%
DONA ANA	1354	74.1%	0.5%	0.0%	0.0%	25.4%	16.7%	4.4%	1.9%	2.4%
EDDY	175	86.9%	2.3%	0.0%	0.0%	10.9%	6.3%	4.6%	0.0%	0.0%
GRANT	120	73.3%	2.5%	0.0%	0.0%	24.2%	24.2%	0.0%	0.0%	0.0%
GUADALUPE	78	52.6%	1.3%	0.0%	0.0%	46.2%	10.3%	0.0%	35.9%	0.0%
HARDING	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	48	70.8%	2.1%	0.0%	0.0%	27.1%	18.8%	8.3%	0.0%	0.0%
LEA	290	81.7%	0.7%	0.0%	0.0%	17.6%	16.6%	0.7%	0.0%	0.3%
LINCOLN	124	91.1%	0.0%	0.0%	0.0%	8.9%	8.1%	0.8%	0.0%	0.0%
LOS ALAMOS	43	67.4%	2.3%	0.0%	0.0%	30.2%	23.3%	4.7%	2.3%	0.0%
LUNA	74	74.3%	1.4%	0.0%	0.0%	24.3%	12.2%	5.4%	0.0%	6.8%
MCKINLEY	520	71.7%	1.2%	0.0%	0.0%	27.1%	16.9%	2.3%	0.4%	7.5%
MORA	21	76.2%	0.0%	0.0%	0.0%	23.8%	23.8%	0.0%	0.0%	0.0%
OTERO	284	61.6%	0.7%	0.0%	0.0%	37.7%	35.9%	1.8%	0.0%	0.0%
QUAY	64	59.4%	3.1%	0.0%	0.0%	37.5%	35.9%	0.0%	0.0%	1.6%
RIO ARRIBA	350	34.6%	1.1%	0.0%	0.0%	64.3%	51.7%	6.3%	4.0%	2.3%
ROOSEVELT	70	82.9%	1.4%	0.0%	0.0%	15.7%	8.6%	5.7%	1.4%	0.0%
SAN JUAN	554	74.0%	3.3%	0.0%	0.0%	22.7%	10.3%	4.7%	0.2%	7.6%
SAN MIGUEL	119	80.7%	0.0%	0.0%	0.0%	19.3%	18.5%	0.8%	0.0%	0.0%
SANDOVAL	300	71.0%	1.3%	0.0%	0.0%	27.7%	8.7%	7.3%	1.7%	10.0%
SANTA FE	659	56.6%	2.1%	0.0%	0.0%	41.3%	33.4%	4.1%	1.8%	2.0%
SIERRA	92	57.6%	0.0%	0.0%	0.0%	42.4%	39.1%	2.2%	1.1%	0.0%
SOCORRO	152	67.8%	2.6%	0.7%	0.0%	29.6%	22.4%	2.0%	0.7%	4.0%
TAOS	218	70.2%	0.5%	0.0%	0.0%	29.4%	19.3%	0.5%	1.4%	8.3%
TORRANCE	73	84.9%	1.4%	0.0%	0.0%	13.7%	4.1%	8.2%	1.4%	0.0%
UNION	13	69.2%	0.0%	0.0%	0.0%	30.8%	23.1%	7.7%	0.0%	0.0%
VALENCIA	232	63.8%	2.2%	0.0%	0.0%	34.1%	4.7%	13.4%	4.3%	11.6%
Statewide	6598	68.9%	1.5%	0.0%	0.0%	29.7%	20.3%	4.1%	1.7%	3.5%

Total Cases

Total Convictions

Total Acquittals

Conditionally Discharged

Other Dispositions

Total Dismissed

Dismissed by Prosecutor

Dismissed By Court

Dismissed 6 Month Rule

Cases disposed in a year

Conviction rate for cases disposed

Acquittal rate for cases disposed

Conditional discharge rate for cases disposed

Cases not dismissed but which do not fit into column heading categories

Dismissal rate for all cases disposed

Cases dismissed by a court subsequent to motion for dismissal by a prosecutor

Cases dismissed by a judge

Cases dismissed under the six month rule

## DWI Cases Disposed For Calendar Years 1997 Through 2013

### District Courts By Year

Year	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
1997	1224	84.6%	0.4%	0.0%	3.8%	11.2%	6.0%	0.0%	0.0%	5.1%
1998	1460	82.2%	0.3%	0.0%	2.7%	14.9%	8.9%	0.0%	0.0%	6.0%
1999	1705	83.6%	0.5%	0.0%	2.8%	13.1%	8.3%	0.0%	0.2%	4.6%
2000	1753	78.4%	0.5%	0.1%	1.1%	20.0%	9.1%	0.1%	0.3%	10.4%
2001	1687	84.7%	0.4%	0.1%	0.5%	14.3%	7.3%	0.0%	0.2%	6.8%
2002	1936	84.4%	0.5%	0.2%	2.0%	13.0%	5.7%	0.0%	0.3%	6.9%
2003	1960	85.2%	0.6%	0.2%	0.7%	13.4%	10.3%	0.6%	0.3%	2.2%
2004	2218	86.4%	0.5%	0.7%	0.0%	12.4%	10.3%	1.2%	0.5%	0.3%
2005	2326	83.4%	0.9%	0.7%	0.0%	15.0%	11.7%	2.5%	0.5%	0.4%
2006	2416	82.3%	1.2%	1.0%	0.0%	15.5%	12.9%	1.8%	0.5%	0.3%
2007	2725	83.5%	1.1%	0.4%	0.0%	15.0%	12.5%	1.8%	0.4%	0.3%
2008	3111	82.3%	1.0%	0.0%	0.2%	16.4%	14.2%	1.6%	0.5%	0.2%
2009	2826	82.5%	0.9%	0.5%	0.0%	16.1%	13.0%	2.3%	0.5%	0.2%
2010	2276	80.6%	1.4%	0.0%	0.0%	17.9%	14.4%	2.6%	0.6%	0.3%
2011	2303	82.2%	1.5%	0.2%	0.0%	16.2%	13.0%	2.4%	0.6%	0.2%
2012	1955	83.0%	1.2%	0.2%	0.0%	15.5%	12.2%	2.9%	0.5%	0.1%
2013	1939	81.2%	0.8%	0.6%	0.1%	18.0%	13.1%	3.4%	0.9%	0.0%

**Total Cases**

Cases disposed in a year

**Total Convictions**

Conviction rate for cases disposed

**Total Acquittals**

Acquittal rate for cases disposed

**Conditionally Discharged**

Conditional discharge rate for cases disposed

**Other Dispositions**

Cases not dismissed but which do not fit into column heading categories

**Total Dismissed**

Dismissal rate for all cases disposed

**Dismissed by Prosecutor**

Cases dismissed by a court subsequent to motion for dismissal by a prosecutor

**Dismissed By Court**

Cases dismissed by a judge

**Dismissed 6 Month Rule**

Cases dismissed under the six month rule

## DWI Cases Disposed For Calendar Years 1997 Through 2013

### Magistrate Courts By Year

Year	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
1997	7458	80.1%	0.8%	0.2%	0.5%	18.5%	5.8%	0.0%	0.8%	11.9%
1998	7161	77.5%	0.6%	0.1%	0.6%	21.2%	6.1%	0.1%	0.6%	14.4%
1999	7412	77.0%	0.7%	0.1%	0.9%	21.3%	7.6%	0.1%	1.0%	12.6%
2000	7415	76.5%	0.5%	0.3%	0.3%	22.5%	8.1%	0.1%	0.8%	13.4%
2001	7119	76.1%	0.6%	0.2%	0.6%	22.5%	9.1%	0.2%	0.9%	12.3%
2002	6713	77.7%	0.8%	0.2%	0.9%	20.3%	8.5%	0.1%	0.9%	10.8%
2003	7529	76.8%	0.6%	0.2%	1.1%	21.3%	10.0%	0.2%	0.8%	10.3%
2004	8181	75.5%	0.9%	0.1%	0.9%	22.6%	12.9%	0.4%	1.3%	7.9%
2005	7633	72.4%	0.7%	0.0%	0.0%	26.8%	22.6%	1.5%	0.9%	1.8%
2006	7571	69.6%	0.8%	0.0%	0.1%	29.6%	26.0%	1.2%	0.8%	1.6%
2007	7914	71.3%	0.9%	0.0%	0.0%	27.7%	23.7%	1.8%	1.0%	1.1%
2008	8034	70.7%	0.7%	0.0%	0.1%	28.5%	24.1%	1.9%	1.0%	1.6%
2009	9032	69.3%	1.2%	0.0%	0.1%	29.4%	25.1%	1.8%	1.3%	1.2%
2010	8324	68.7%	1.3%	0.0%	0.1%	29.9%	25.0%	2.5%	1.1%	1.4%
2011	7532	67.2%	1.4%	0.0%	0.1%	31.3%	27.6%	2.3%	0.8%	0.6%
2012	6656	72.6%	1.6%	0.0%	0.0%	25.8%	18.4%	3.4%	0.7%	0.2%
2013	6598	68.9%	1.5%	0.0%	0.0%	29.7%	20.3%	4.1%	1.7%	3.5%

Total Cases	Cases disposed in a year
Total Convictions	Conviction rate for cases disposed
Total Acquittals	Acquittal rate for cases disposed
Conditionally Discharged	Conditional discharge rate for cases disposed
Other Dispositions	Cases not dismissed but which do not fit into column heading categories
Total Dismissed	Dismissal rate for all cases disposed
Dismissed by Prosecutor	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor
Dismissed By Court	Cases dismissed by a judge
Dismissed 6 Month Rule	Cases dismissed under the six month rule

## DWI Cases Disposed For Calendar Years 1997 Through 2013

### Bernalillo Metropolitan Court By Year

Year	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
1997	2869	58.3%	1.9%	0.0%	0.1%	39.7%	28.5%	5.0%	3.1%	3.1%
1998	5119	67.0%	2.0%	0.0%	0.0%	31.0%	21.2%	5.2%	2.1%	2.6%
1999	4980	64.4%	2.6%	0.0%	0.1%	33.0%	20.5%	5.0%	4.1%	3.4%
2000	4899	69.5%	1.6%	0.0%	0.0%	28.9%	19.0%	3.9%	3.7%	2.3%
2001	6073	70.6%	1.4%	0.0%	0.1%	28.0%	17.6%	3.9%	4.0%	2.5%
2002	6144	66.1%	1.6%	0.0%	0.0%	32.2%	20.0%	5.0%	4.6%	2.7%
2003	6706	62.6%	1.8%	0.0%	0.0%	35.7%	21.8%	5.9%	5.5%	2.5%
2004	6407	60.0%	2.0%	0.0%	0.0%	38.0%	23.8%	5.5%	5.3%	3.3%
2005	6536	64.2%	2.0%	0.0%	0.0%	33.7%	24.1%	4.5%	2.8%	2.3%
2006	5940	69.1%	2.0%	0.0%	0.0%	28.9%	26.2%	1.0%	1.3%	0.4%
2007	6851	71.8%	1.3%	0.0%	0.0%	26.8%	24.0%	0.7%	1.4%	0.7%
2008	7135	69.4%	0.7%	0.0%	0.0%	29.9%	27.5%	0.7%	0.8%	0.9%
2009	6648	66.6%	0.7%	0.0%	0.0%	32.7%	29.7%	0.5%	0.7%	1.8%
2010	5497	65.4%	2.0%	0.0%	0.0%	32.6%	29.7%	0.9%	0.3%	1.7%
2011	4650	65.5%	1.6%	0.0%	0.0%	32.9%	29.9%	1.5%	0.4%	1.1%
2012	4732	67.9%	2.4%	0.0%	0.0%	25.9%	23.7%	1.6%	0.3%	0.3%
2013	4534	57.9%	3.5%	0.1%	0.2%	38.4%	33.4%	1.0%	0.6%	3.4%

Total Cases	Cases disposed in a year
Total Convictions	Conviction rate for cases disposed
Total Acquittals	Acquittal rate for cases disposed
Conditionally Discharged	Conditional discharge rate for cases disposed
Other Dispositions	Cases not dismissed but which do not fit into column heading categories
Total Dismissed	Dismissal rate for all cases disposed
Dismissed by Prosecutor	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor
Dismissed By Court	Cases dismissed by a judge
Dismissed 6 Month Rule	Cases dismissed under the six month rule